

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

**CHAMBERS OF THE
Honorable Margaret Cangilos-Ruiz
U.S. BANKRUPTCY JUDGE**

To: Richard Postiglione, Esq.
From: Chambers / Griffin Quist
Date: March 26, 2020

Re: James P. Bombard
Case No. 19-31597
Proposed Order on Motion for Relief From Stay (Doc. 10)

The court has received your proposed order in the above referenced case. The court declines to sign the proposed order* for one or more of the following reason(s) as noted:

- ☐ Service improper pursuant to Fed.R.Bankr.P. 7004(b)(3). The appended Certificate of Service indicated that service had been made by first class mail to all creditors on the "annexed list." However, no annexed list was provided.
- ☐ Service improper pursuant to Fed.R.Bankr.P. 7004.
- ☐ Notice improper pursuant to Fed.R.Bankr.P. 2002(a).
- ☐ Notice improper pursuant to Fed.R.Bankr.P. 3007.
- ☐ 11 U.S.C. § 522(f) has been invoked, but debtors have not claimed a homestead exemption on Schedule C. Relief will not be granted absent the filing of an amended Schedule C that properly claims a homestead exemption.
- ☐ Failure to comply with Local Bankruptcy Rule 9013-1(c). No certificate of service has been filed.
- ☒ Other: The proposed order must contain the necessary language under LBR 4001-1(f) that the trustee will be added as a necessary party to receive notice and that closure of the case shall not constitute an abandonment of the trustee's interest, if any, in the surplus proceeds.

Absent provision of the above by the aforementioned deadline, or a written request for an extension of time, the motion will be denied.

***If this memorandum was sent due to a service issue, you will need to re-serve the motion, file and serve an amended notice of hearing specifying a new hearing date, and file proof of such service. DO NOT FILE A NEW MOTION. File the amended notice as (*Bankruptcy > Notices > Notice of Hearing on Default Motion*) or (*Bankruptcy > Notices > Notice of Hearing*).**